

REMARKS

Applicants respectfully acknowledge receipt of the Office Action mailed January 11, 2005.

By this amendment, Applicants amend the specification to update the status of an application and amend claims 1, 28, and 33.

In the Office Action, the Examiner (1) objected to the specification; (2) rejected claims 1-10, 28-30 and 33 under 35 U.S.C. §112, second paragraph; and (3) rejected claims 1-33 based on obviousness-type double patenting.

Based on the foregoing amendments and the following remarks, Applicants traverse each of the above objections and rejections.

I. OBJECTION TO THE SPECIFICATION

The disclosure is objected to because of an informality. Specifically, the Examiner asserts that "the phrase 'now U.S. Patent No. 6,743,635, issued on June 1, 2005' should be inserted after the phrase 'U.S. Application Serial No. 10/286,648, filed November 1, 2002,' in order to update the status of this application."

Accordingly, Applicants have amended the section entitled "Cross-References to Related Applications" in order to update the status of U.S. Application No. 10/286,648. Consequently, Applicants respectfully request that the objection of the disclosure be withdrawn.

II. 35 U.S.C. §112, SECOND PARAGRAPH REJECTION

Claims 1-10, 28-30 and 33 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which Applicants regard as the invention. Specifically, the Examiner asserts "on line 2 of claim 1, ... 'said base layer sheet' lacks antecedent basis...in claim 28, the phrase 'said cover' lacks antecedent basis...on line 3 of claim 33, the phrase 'said plurality of tapered test strip structures' lacks antecedent basis..."

Accordingly, Applicants have amended claims 1, 28, and 33 in order for the phrases to have proper antecedent basis. Specifically, in claim 1, Applicants have deleted the word "sheet" from the claim. In claim 28, Applicants have changed the dependency of claim 28 to depend from claim 27 instead of claim 26. In claim 33, Applicants have changed the dependency of claim 33 to depend from claim 32 instead of claim 30. Consequently, Applicants respectfully request that the rejection of claims 1-10, 28-30 and 33 and 35 under 35 U.S.C. § 112, second paragraph, be withdrawn.

III. OBVIOUS-TYPE DOUBLE PATENTING REJECTION

Claims 1-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of Applicants' prior U.S. Patent 6,743,635. Although Applicants disagree with these rejections of claims 1-33, Applicants submit a Terminal Disclaimer to obviate the obviousness-type double patenting rejection herewith in order to expedite prosecution of this application. In view of the attached Terminal Disclaimer, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection of claims 1-33. Accordingly, claims 1-33 are in condition for allowance.

IV. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 30, 2005

By: 

Eric P. Raciti
Reg. No. 41,475

Attachment: A Terminal Disclaimer